

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,  
Plaintiff,

vs.

CIVIL ACTION  
NO. 1:CV 01-0725

COMMONWEALTH OF PENNSYLVANIA,  
NINTH JUDICIAL DISTRICT,  
CUMBERLAND COUNTY; CUMBERLAND  
COUNTY; S. GARETH GRAHAM,  
Individually, and JOSEPH  
OSENKARSKI, individually,  
Defendants.

(JUDGE YVETTE KANE)

Deposition of: **KERRY HOUSER**

Taken by : Defendants

Date : March 3, 2003, 9:24 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : 12 West High Street  
Carlisle, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE  
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
BY: A. TAYLOR WILLIAMS, ESQUIRE  
For - Defendant Commonwealth of Pennsylvania  
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER  
BY: PAUL J. DELLASEGA, ESQUIRE  
For - Defendant Cumberland County

1           when her husband was out of town.

2       Q.     And did she tell you why she thought this was sexual  
3           harassment?

4       A.     I don't recall her specifically -- I just remember what  
5           she told me, the details.

6       Q.     Anything else that she told you about Gary's behavior?

7       A.     She showed me a card that Gary had given her, a  
8           birthday card.

9       Q.     Okay. Did she tell you when she received that card?

10      A.     On her birthday. I know her birthday's sometime in  
11           January because mine is, too, and we joke about that.  
12           But I don't recall a year.

13      Q.     Do you remember when she told you about the birthday  
14           card? Was it the past year, in the past five years?

15      A.     In the past five years.

16      Q.     Okay. But you don't know exactly when?

17      A.     No.

18      Q.     Okay. I apologize if I already asked you this, but did  
19           you ever hear a rumor that Gary and Barb were having an  
20           affair?

21      A.     No, I did not.

22      Q.     Never heard a rumor along those lines?

23      A.     (Witness shook head negatively.)

24      Q.     Okay. Never heard people in the office talk about  
25           something like that?

- 1 A. Not until -- I mean, this all transpired after Gary  
2 said, allegedly said something to Judge Sheely was the  
3 only time. I mean, I was just, like, taken aback when  
4 I heard it.
- 5 Q. Did you ever hear Barb and Gary's wife referred to as  
6 Barb 1 and Barb 2?
- 7 A. Yes.
- 8 Q. What was the meaning of that, as far as you understood?
- 9 A. It was mostly used by, if I recall, our clerical staff  
10 and maybe some of the -- I just remember the clerical  
11 staff. I know Gary would get a phone call, who it was,  
12 Barb 1 or Barb 2.
- 13 Q. And you understood that one of those Barbs was Barb  
14 Varner and one of those Barbs was Gary's wife?
- 15 A. Right.
- 16 Q. Okay. And how is it that you came to understand that  
17 that's what that meant?
- 18 A. I don't recall specifically. They're the only two  
19 Barbs, I guess, that Gary knew or -- I don't recall who  
20 came up with that or how that came about.
- 21 Q. Did it ever occur to you that the two of them might be  
22 having an affair?
- 23 A. No.
- 24 Q. Did Barb ever mention having an affair with Gary?
- 25 A. No.

1 Q. Did you ever ask her about having an affair with him?

2 A. No. Never even was even a suspicion of mine, or even,  
3 I would never have had any reason to think there was  
4 anything going on between them.

5 Q. Okay. Are you aware of whether Barb ever had an affair  
6 at any point in time?

7 A. To my knowledge, no.

8 Q. And I don't mean with Gary, I mean with anybody.

9 A. Right.

10 Q. During your telephone conversation with Deb Wallet  
11 approximately three weeks ago, was anybody else  
12 participating in that phone conversation, or was it  
13 just --

14 A. No. I was at home.

15 Q. So as far as you know, it was just the two of you on  
16 the line?

17 A. Yes.

18 Q. During the conversations that you've had with Barb  
19 Varner regarding this lawsuit, has anybody else  
20 participated in those conversations?

21 A. You mean, like, been in the room?

22 Q. Sure.

23 A. I don't remember if it was at that lunch at Hoss's, I  
24 know Jen Crum, Winnie, me, Nicole Galbraith, I think  
25 they were all there.

1                   Then recently the only other people maybe would  
2                   be, and Ronna hasn't worked there in a while, but Ronna  
3                   Boyles. And I'm going to guess Debra Green. But they  
4                   would be the only people that I would know.

5       Q.       Did any of these individuals, to the best of your  
6               recollection, participate in the conversation about  
7               this lawsuit?

8       A.       I mean, I'm sure they said something. What they said,  
9               I don't remember. And I don't know if we were talking  
10              about it as a lawsuit or just basically what was going  
11              on, like, what the next step was or something.

12      Q.       Okay. Do you recall at any point in time speaking with  
13              Dave Deluce about this case, or about Barb's Complaint?

14      A.       When it first started, like, years ago? Was he the --  
15              did he work for the county?

16      Q.       I have to ask you the questions, unfortunately.

17      A.       If he was the one who originally, like, investigated  
18              the case, I remember talking to him.

19      Q.       Do you remember when?

20      A.       I don't recall how many years ago it's been since this  
21              has been going on, but it was shortly after Barb had  
22              raised concerns or filed a Complaint. I don't know  
23              what proceeding, what was happening at the time  
24              legally.

25      Q.       Do you remember how many times you spoke with him?

- 1 A. I think just once.
- 2 Q. Okay.
- 3 A. I remember once. I don't -- I know at least once.
- 4 Q. You mentioned and we talked about the 1993 Complaint
- 5 that you filed against Joe. Did that proceed to
- 6 litigation, or was that only at the agency level?
- 7 A. At the office level, right.
- 8 Q. Okay. Oh, the office level. So it was an internal
- 9 complaint, or was it with the EEOC?
- 10 A. No, just internal.
- 11 Q. Internal, okay. Have you ever filed a lawsuit before?
- 12 A. No.
- 13 Q. Are you married?
- 14 A. Yes.
- 15 Q. For how long?
- 16 A. Seven years. Well, June of '96.
- 17 Q. Is this your first marriage?
- 18 A. No, it's my third.
- 19 Q. Do you have any kids?
- 20 A. Yes.
- 21 Q. How many?
- 22 A. One daughter, Bailey.
- 23 Q. And how old is Bailey?
- 24 A. She's nine.
- 25 Q. And did you graduate from high school?

- 1 A. Yes.
- 2 Q. What year?
- 3 A. 1980.
- 4 Q. And what school?
- 5 A. Carlisle High School.
- 6 Q. Did you graduate from college?
- 7 A. Yes, 1984 from Bloomsburg.
- 8 Q. What was your major area of concentration?
- 9 A. Sociology.
- 10 Q. Do you have any professional degrees or licenses?
- 11 A. Just that. I mean, just my degree.
- 12 Q. So no graduate school or anything like that?
- 13 A. No.
- 14 Q. And what is your current job title?
- 15 A. Senior probation officer.
- 16 Q. How long have you had that title?
- 17 A. I think since '96 when we made the split.
- 18 Q. And who is your supervisor now?
- 19 A. Lyle Herr.
- 20 Q. Do you know how to spell Lyle's last name?
- 21 A. H-E-R-R.
- 22 Q. Okay. Is Lyle your only supervisor?
- 23 A. He's my direct supervisor. We have two supervisors on
- 24 the Adult side. The other one is Mike Varner.
- 25 Q. And you do not work with Gary Graham now; is that

1 correct?

2 A. I mean, in the same building? Or --

3 Q. Do you have any professional interaction with him now?

4 A. Occasionally. He's our institutional parole officer  
5 and I send paperwork down to him, and talk to his voice  
6 mail a lot about messages. He might call me up about  
7 when do you want to parole this person or those kind of  
8 things.

9 Q. Okay. And do you have any problems in your  
10 professional interactions with him?

11 A. No.

12 Q. Okay. And if you have questions, you get the answers  
13 you need from him?

14 A. I mean, I can talk to him about a case. I mean, I  
15 can't say I agree with everything he does or he agrees  
16 with everything I do.

17 Q. Sure. Did you ever socialize with Gary outside of  
18 work?

19 A. At trainings, when I worked there. Before I worked  
20 there I worked at Children and Youth and my supervisor  
21 was a friend of his, and I know I had a going-away  
22 party for this girl named Nancy, and Gary was at that.

23 And I know Gary came one time -- I lived in a  
24 third floor apartment and he helped me move to a second  
25 floor apartment, up with some other probation officers.